

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

CAROLYN SANGERVASI, )  
Plaintiff(s), ) No. C10-4810 BZ  
v. )  
TARGET CORPORATION, et al., ) **ORDER GRANTING PLAINTIFF'S**  
Defendant(s). ) **MOTION TO REMAND**  
\_\_\_\_\_  
)

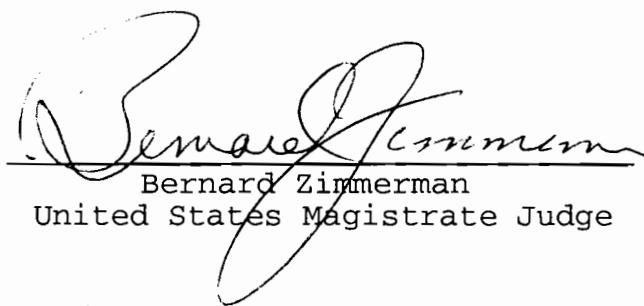
Construing removal jurisdiction strictly, I find that defendants have failed to establish that Amy Dabner was named as a "sham defendant." I find that plaintiff can amend her complaint to state a cause of action against Ms. Dabner under the settled law of California. See for example Roby v. McKesson Corp., 47 Cal.4th, 686, 709 (2009); Niami v. Federal Express Print Services, Inc., 2010 WL 958045 (N.D.Ca 2010).

**IT IS THEREFORE ORDERED** that plaintiff's motion for remand is **GRANTED**. The Clerk shall transfer the file to the Marin County Superior Court. The Court no longer having

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1 jurisdiction, defendant's motion to dismiss is **TAKEN OFF**  
2 **CALENDAR.**

3 Dated: February 9, 2011

  
4 Bernard Zimmerman  
5 Bernard Zimmerman  
6 United States Magistrate Judge

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8 REMAND.wpd

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